

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Exavir Binford,

Civ. No. 23-1785 (PAM/DTS)

Plaintiff,

v.

**ORDER**

Mayor Melvin Carter; Andy  
Rodriguez, Saint Paul Parks &  
Recreation Director; and  
Saint Paul Parks & Recreation  
Management;

Defendants.

---

This matter is before the Court on the Report and Recommendation (“R&R”) of United States Magistrate David T. Schultz dated August 11, 2023. (Docket No. 6) The R&R recommends that the Court dismiss Plaintiff Exavir Binford’s Complaint for failure to prosecute. See Fed. R. Civ. P. 41(b).

According to statute, the Court must conduct a de novo review of any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b); D. Minn. L.R. 72.2(b). The Court has received no objections to the R&R and the time to do so has expired. See D. Minn. L.R. 72.2(b)(1) (providing that a party may file objections to a magistrate judge’s recommendations within 14 days).

Accordingly, **IT IS HEREBY ORDERED that:**

1. The R&R (Docket No. 6) is **ADOPTED**;
2. The action is **DISMISSED without prejudice**; and

3. The Application to Proceed in Forma Pauperis (Docket No. 4) is **DENIED**  
**as moot.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: September 6, 2023

*s/ Paul Magnuson*  
Paul A. Magnuson  
United States District Court Judge